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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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| <b>2001 Assembly Bill 578</b>                       | <b>Assembly Amendment 1</b> |
| Memo published: January 3, 2002                     |                             |
| Contact: Don Dyke, Senior Staff Attorney (266-0292) |                             |

Under *current law*, if a criminal defendant's competency to proceed is in doubt, the court appoints an expert to examine and report the defendant's condition. Section 971.14, Stats. That report is furnished to the court, which is required to deliver a copy of the report to the district attorney and defense counsel (or the defendant personally if not represented). Section 971.14 (4) (a), Stats. Until the hearing on the defendant's competency, the report may not otherwise be disclosed. Testimony at the public hearing on Assembly Bill 578 indicated that the lag time between the report and the competency hearing, at least in one county, ranges from five to 14 days.

*Assembly Bill 578* allows the competency report to also be furnished prior to the competency hearing to the sheriff or person charged with the care and control of the jail, if they request the report. The purpose is to permit potential safety and security issues to be addressed immediately; testimony indicated that currently jail personnel are often unaware of an inmate's condition until the competency report is released at the hearing.

*Assembly Amendment 1* allows the competency report, in turn, to be released by the sheriff or jailer to the person who is responsible for maintaining medical records for inmates of the jail or to a licensed nurse, physician or physician assistant for the defendant or for the jail.

Assembly Amendment 1 was recommended for adoption by the Assembly Committee on Judiciary by a vote of Ayes, 8; Noes, 0, on November 29, 2001.

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